

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

BNY MELLON CAPITAL
MARKETS, LLC

V.

BAKER HUGHES
INCORPORATED AND
BAKER HUGHES TREASURY
SERVICES GMBH

§
§
§
§
§
§
§
§

C.A. NO. 4:11-CV-02979

MOTION TO CONFIRM ARBITRATION AWARD

BNY Mellon Capital Markets, LLC (“BNY”) files this motion to confirm an arbitration award issued August 1, 2011 by the Financial Industry Regulatory Authority (“FINRA”).

THE AWARD

1. BHI and BHTS initiated an arbitration proceeding against BNY on December 19, 2008, using the FINRA Dispute Resolution procedure. The matter was assigned Case No. 08-04893.

2. BHI and BHTS sought damages against BNY relating to purchases of certain auction rate securities, namely Camber 10 and Capstan 2. The Claimants stated causes of action of breach of fiduciary duty, promissory estoppel, common

law fraud, violation of the Texas Blue Sky laws, violation of the Securities Exchange Act of 1934 and Rule 10b-5.

3. A hearing was held in Houston, Texas on July 11-14, 2011.

4. The arbitration panel issued its Award on August 1, 2011. All claims against BNY were dismissed with prejudice. A copy of the Award is attached.

5. There are no grounds upon which the Award may be vacated. The Award should be confirmed.

CONCLUSION

Therefore, BNY asks that the Award be confirmed and requests such other and further relief to which it may be justly entitled.

Respectfully submitted,

BECK, REDDEN & SECREST, LLP

By /s/ Murray Fogler

Murray Fogler

State Bar No. 07207300

One Houston Center

1221 McKinney, Suite 4500

Houston, Texas 77010

713.951.3700

713.951.3720 (Fax)

COUNSEL FOR PLAINTIFF

BNY MELLON CAPITAL

MARKETS, LLC

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Motion to Confirm Arbitration Award was served in compliance with the Federal Rules of Civil Procedure on September 6, 2011, on the following:

Richard L. LaGarde

Mary Ellis LaGarde

Roger Chrisco

LaGarde Law Firm, P.C.

1004 Congress Street, 2nd Floor

Houston, Texas 77002

Fax 713.993.9007 and Regular Mail

/s/ Murray Fogler

MURRAY FOGLER